

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

United States of America *ex rel.* BRIANNA
MICHAELS and AMY WHITESIDES,

C/A No. 0:12-cv-03466-JFA

Relators,

vs.

AGAPE SENIOR COMMUNITY, INC.;
AGAPE SENIOR PRIMARY CARE, INC.;
AGAPE SENIOR SERVICES, INC.;
AGAPE SENIOR, LLC;
AGAPE MANAGEMENT SERVICES, INC.;
AGAPE COMMUNITY HOSPICE, INC.;
AGAPE NURSING AND
REHABILITATION CENTER, INC.
d/b/a AGAPE REHABILITATION OF
ROCK HILL a/k/a AGAPE SENIOR POST
ACUTE CARE CENTER – ROCK HILL a/k/a
EBENEZER SENIOR SERVICES, LLC;
AGAPE SENIOR FOUNDATION, INC.;
AGAPE COMMUNITY HOSPICE OF
ANDERSON, INC.; AGAPE HOSPICE OF THE
PIEDMONT, INC.; AGAPE COMMUNITY
HOSPICE OF THE GRAND STRAND, INC.;
AGAPE COMMUNITY HOSPICE OF THE
PEE DEE, INC.; AGAPE COMMUNITY
HOSPICE OF THE UPSTATE, INC.; AGAPE
HOSPICE HOUSE OF Horry COUNTY, INC.;
AGAPE HOSPICE HOUSE OF LAURENS, LLC;
AGAPE HOSPICE HOUSE OF THE LOW
COUNTRY, INC.; AGAPE HOSPICE HOUSE
OF THE PIEDMONT, INC.; AGAPE
REHABILITATION OF CONWAY, INC.;
AGAPE SENIOR SERVICES FOUNDATION,
INC.; AGAPE THERAPY, INC.; AGAPE
HOSPICE; HOSPICE PIEDMONT; HOSPICE
ROCK HILL; and CAROLINAS
COMMUNITY HOSPICE, INC.,

ORDER

Defendants.

This matter comes before the Court on Defendants' motion to file under seal the Defendants' Reply in Further Support of Motion to Disclose Damage Computation of the United States and Memorandum in Support (the "Reply"). The Reply and accompanying exhibit(s) detail a proposed settlement agreement, which has not been made public and will not be made public until such settlement agreement is consummated.

After reviewing the memorandum in support, the Court grants the foregoing motion to seal, ECF No. 282. The parties are entitled to conduct negotiations in confidence. Confidential materials appear throughout the Reply and the exhibit(s)—rendering redaction impractical. Further, the Reply does not relate to any historical public event; therefore, there is no question of whether the release of the sealed documents would enhance the public's understanding of an important historical event. Finally, cases in which sealing has been denied have involved strong public interest; however, no such countervailing public interest outweighs the interest of the parties in the confidentiality of their negotiations.

Public notice of the request to seal and opportunity to object is afforded by virtue of the publicly filed motion to seal. No objections have been filed to the motion to seal. Accordingly, the Court finds persuasive the arguments of counsel in favor of sealing the document. The confidential nature of the status of settlement in the documents at issue requires that the Reply be sealed.

IT IS SO ORDERED.

May 26, 2015
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge